

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

MOISES PEREZ,

Plaintiff,

v.

BODEGA LATINA CORPORATION,
d/b/a/ El Super,

Defendant.

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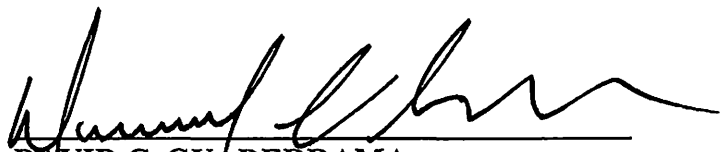
EP-19-CV-00360-DCG

ORDER TO SHOW CAUSE

On January 13, 2020, the Court issued an Order (ECF No. 6) requiring Plaintiff Moises Perez to move for an entry of default and a default judgment because the record did not reflect that Defendant Bodega Latina Corporation d/b/a El Super filed any responsive pleading to Plaintiff's complaint. On the same day, Plaintiff moved for an entry of default, and thereafter, Defendant filed an out-of-time answer. Defendant however did not seek leave of court to file the out-of-time answer pursuant to Federal Rule of Civil Procedure 6(b)(1)(B). *See Mommaerts v. Hartford Life & Acc. Ins. Co.*, 472 F.3d 967, 968 (7th Cir. 2007) ("What [defendant] needed was an extension of time to file its answer. Extensions may be granted, after the time for action has passed, when justified by 'excusable neglect.'" (citing Fed. R. Civ. P. 6(b))).

IT IS THEREFORE ORDERED that Defendant **SHALL SHOW CAUSE** in writing by **January 20, 2020**, why the Court should not strike the out-of-time answer.

So **ORDERED** and **SIGNED** this 16th day of January 2020.



DAVID C. GUADERRAMA
UNITED STATES DISTRICT JUDGE